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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,749	03/15/2004	Barry N. Kreiswirth	19124.0016	8023

23517 7590 11/29/2007
BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON, DC 20006

EXAMINER

SKIBINSKY, ANNA

ART UNIT	PAPER NUMBER
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11/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10799749	3/15/2004	KREISWIRTH ET AL.	19124.0016

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Commissioner for Patents

Applicants have cancelled claims 1-87 and introduced new claims 88-123. Claims 51-83 were examined in an office action on the merits filed 4/09/2007.

Newly submitted claims 88-123 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The originally elected claims 51-63 are drawn to a method for identifying a subspecies of *Staphylococcus aureus* by comparing sequence data stored in a database comprising at least one *Staphylococcus aureus* sequence region and determining the phylogenetic relatedness between a microorganism sample and a plurality of samples in the database. Newly presented claims 88-123 are directed to a method and system for tracking the spread of infectious bacterial, sampling tandem repeats of sequences, tracking the spread over time, and providing warnings

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 88-123 have not been entered for consideration because they are directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Skibinsky whose telephone number is (571) 272-4373. The examiner can normally be reached on 8 am - 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marjorie Moran can be reached on (571) 272-0720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anna Skibinsky, PhD

/Lori A. Clow, Ph.D./
Primary Patent Examiner